

March 31, 2020

Mr. John P. Canoles
Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, Maryland 21057

Re: 10809 Stevenson Road
Forest Buffer Variance
Tracking # 02-20-3154

Dear Mr. Canoles:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) was received by the Department of Environmental Protection and Sustainability (EPS) on January 28, 2020. This variance seeks to reduce 2,200 square feet (sf) of Forest Buffer that encroaches on both the existing well and an accessory structure. The variance also seeks the continued use of 13,215 sf of well-established, lawn/turf grass within an area to be established as Forest Buffer on this residential property. The required Forest Buffer area would encompass approximately half of this 2.8-acre property. The Forest Buffer Law is being applied as a result of a permit application to replace a long-standing residential dwelling on the property. The applicant proposes to mitigate impacts to water quality through enhancing approximately 14,130 sf of Forest Buffer that is a wet meadow by planting wildflowers and installing a 4,135 sf shrub layer along both banks of the stream channel. This area would be periodically maintained to control both woody and invasive plants to retain the wet meadow biome. The remaining 28,700 sf of Forest Buffer will be reforested with trees and shrubs to fill in gaps between the 11,000 sf of existing woodland. Invasive species would be controlled in this area to aid forest regeneration.

The Forest Buffer is generated from field-delineated wetlands and an order 1, Use III (trout) stream tributary of the North Branch of the Jones Falls. The Forest Buffer from which the variance is requested was delineated in accordance with §33-3-111(b) of the Forest Buffer Law. The replacement single family dwelling will be in the vicinity of the footprint of the original structure, and the accessory structure to remain would be located partially within the full Forest Buffer Easement.

This Department has reviewed your request and has determined that a practical difficulty exists, in that both the structures and uses within the buffer predate the Forest Buffer Law, and the requisite Forest Buffer Easement would encompass approximately

half of the property. Furthermore, we find that the potential for impacts to water quality as a result of this proposal can be adequately minimized by enhancing the functions of the remaining Forest Buffer area.

Therefore, we will grant this request in accordance with §33-3-106(a)(1) of the Baltimore County Code with the following conditions:

1. The Forest Buffer Easement may be reduced by 2,200 sf as shown on the exhibit of continued uses included in this variance request. The reduced Forest Buffer Easement and its Declaration of Protective Covenants shall be recorded in the Land Records of Baltimore County via the right-of-way plat process by September 1, 2020.
2. Impacts to the Forest Buffer Easement shall be mitigated by planting 21,845 sf of tree and shrub plantings in the open areas of the buffer. Trees shall be native deciduous species, a minimum 1-inch caliper and planted at a density of 200 stems per acre.
3. A final Forest Buffer Protection Plan (FBPP) detailing this mitigation as well as the proposed wet meadow planting and addressing any subsequent review comments from EPS staff shall be submitted along with an itemized cost estimate for review and approval by EPS staff prior to Environmental Agreement (EA) approval.
4. A FBPP security based on 110% of the aforementioned cost estimate shall be posted via an EA prior to EPS approval of any permit. Release of that surety will be in accordance with the enclosed EA regulations.
5. Surveyed limits of the limited-disturbance portion of the Forest Buffer Easement shall be clearly marked onsite at 100-foot intervals and significant turning points with permanent "Forest Buffer-Do Not Disturb" signs and at-grade monuments (see enclosure) to facilitate identification of buffer limits by all involved parties. These signs, which are available from private sign contractors, shall be installed prior to any permit approval or September 1, 2020, whichever comes first.
6. The following note must appear on all subsequent plans submitted for this project:
 - A variance was granted on March 31, 2020, by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer Easement shown hereon is reflective of the fact that this variance was granted. Conditions, including onsite buffer planting, were placed on this variance to reduce water quality impacts."

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It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the property owners sign the statement below and return a signed copy of this entire letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Michael S. Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

Enclosures (2)

DVL/msk

I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner's Signature Date

Property Owner's Signature Date

Printed Name

Printed Name